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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,345	09/25/2003	Valerie Walker	1456-3/MBE	6610
38735 7590 01/04/2007 DIMOCK STRATTON LLP 20 QUEEN STREET WEST SUITE 3202, BOX 102 TORONTO, ON M5H 3R3 CANADA			EXAMINER WARD, JESSICA LEE	
			ART UNIT	PAPER NUMBER
			1733	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/04/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/669,345

Applicant(s)

WALKER ET AL.

Examiner

Jessica L. Rossi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 8-10 and 17-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

FINAL ACTION

Election/Restrictions

1. Applicant's election **without traverse** of Group I, claims 1-7 and 11-16, in the reply filed on 4-11/06 is acknowledged.

Withdrawn Claim Rejections

2. The rejection of claims 1 and 11 under 35 USC 102(e) as being anticipated by Blatchford (US 6461467), as set forth in paragraph 9 of the previous action, has been withdrawn in light of Applicant's arguments – the reference fails to teach or suggest forming a plurality of substantially isolated adhesive anchors separated by interstitial spaces and then applying a bonding/casting adhesive that intrudes into the interstitial spaces.

Remaining Claim Rejections

35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 5-7, 11 and 15-16 stand rejected under 35 U.S.C. 102(b) as being anticipated by Krish et al. (US 6187432, of record).

Krish teaches positioning a first material 102 (i.e. facestock for a label; column 10, lines 16-22; column 24, lines 39-47) on a work surface with an adhesion zone exposed and applying an anchoring adhesive 128 to the first material or to a second material (second material could be the release liner that is applied to the exposed surface of the adhesive or it could be a substrate surface that the first material 102 is adhered to once the release liner is removed; column 17, lines 20-34, column 24, line 39 – column 25, line 37) or to both to form a plurality of

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substantially isolated adhesive anchors separated by interstitial spaces (Figures 10 and 12; column 23, lines 22-37 and 54-57).

The reference teaches applying a bonding adhesive 114 to the first material or to the second material or to both after the anchoring adhesive 128 has gelled or cured (column 19, lines 3-7 and 21-23; note hot melt adhesives would begin to cool, and therefore gel or cure, immediately after being deposited onto first material while solvent-based adhesives would gel/cure upon drying, which takes place before bonding adhesive applied to first material, due to removal of the solvent).

The reference teaches adhering the first and second materials together whereby the anchoring adhesive 128 has a relatively higher degree of adhesion to the first material or to the second material or to both than the bonding adhesive 114 (column 8, lines 47-50; column 9, lines 20-23) and the bonding adhesive 114 intrudes into the interstitial spaces and bonds to the adhesive anchors (Figures 10 and 12).

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 2-4 and 12-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Krish et al. as applied to claims 1 and 11 above and further in view of Blatchford et al.

Krish teaches applying the anchoring adhesive using any of a variety of pattern coating techniques that can apply the pattern in a controlled or random pattern (column 18, lines 42-60; column 19, lines 15-18) but it is unclear as to whether the reference teaches using a screen. It would have been obvious to one having ordinary skill in the art to use a screen to apply the

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anchoring adhesive of Krish because such is a well known and conventional pattern coating technique for applying an adhesive to a material, as taught by Blatchford (column 8, lines 34-37; Figures 3 and 4A-4B).

Response to Arguments

7. Applicant argues that none of the prior art teaches or suggests creating adhesive anchors for the purpose of improving adhesion with a second adhesive agent (bonding adhesive).

In response, the examiner points out that this argument is not commensurate with the scope of the claimed invention.

8. Applicant argues that the adhesive anchors 128 of Krish do not promote adhesion of the bonding adhesive 114 to the first material 102 and that material 102 is intended to be peeled off to expose a composite layer of adhesives.

In response, the examiner points out that this argument is not commensurate with the scope of the claimed invention because the rejected claims do not recite any limitations regarding the adhesive anchors promoting adhesion of the bonding adhesive to the material(s). However, it is noted that Krish teaches discontinuous adhesive 128 bonds to material 102 and to the overlying continuous adhesive 114 and it has a higher degree of adhesion to material 102 than does adhesive 114 (column 8, lines 47-50); therefore, one would appreciate that adhesive 128 would promote adhesion of adhesive 114 to material 102. Additionally, the examiner would like to point out that the material 102 of Krish could alternatively be a permanent material that is not peeled off (i.e. facestock for a label – Figure 3, column 10, lines 16-22, column 17, lines 20-35, column 24, line 38 – column 25, line 37). However, the material 102 being temporary (release

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liner) or permanent (facestock) is irrelevant since the rejected claims do not exclude the former scenario because they are not limited to the latter scenario.

9. Applicant argues that the object of Krish's invention is to produce a pressure sensitive adhesive layer comprising different kinds of pressure sensitive adhesives to "offer a wider selection of improved properties" and this has nothing to do with the present invention.

It appears Applicant is arguing that a difference in the scope of the disclosures of Krish and that of the present invention renders the Examiner's rejection invalid. While Krish's objectives may not mirror those of the present invention, this does not change the fact that Krish teaches all of the limitations set forth in the rejected claims. The examiner reminds Applicant that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

10. Applicant argues that Krish has nothing to do with bonding material 102. Applicant also argues again that Krish has nothing to do with improving adhesion to the material 102.

The Examiner once again points out that Krish does teach bonding material 102. Krish teaches that material 102 is bonded to a release liner, which is eventually removed so that material 102 can be bonded to a substrate surface (column 17, lines 20-34; column 24, line 39 – column 25, line 37).

Furthermore, the Examiner once again points out that the argument pertaining to improving adhesion to material 102 is not commensurate with the scope of the claimed invention. However, it is noted that Krish teaches the discontinuous adhesive 128 bonds to material 102 and to the overlying continuous adhesive 114 and it has a higher degree of adhesion

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to material 102 than does adhesive 114 (column 8, lines 47-50); therefore, one would appreciate that adhesive 128 would promote adhesion of adhesive 114 to material 102.

11. Applicant also argues that Krish does not include the step of “adhering the first and second materials together.”

Once again, the examiner points out that Krish does adhere material 102 to a second material, which is considered to be the release liner or the substrate surface that the material 102 is adhered to once the release liner is removed (column 24, line 39 – column 25, line 37). While claim 1 recites bonding a first material to a second material, the examiner would like to mention that claim 11 does not; therefore, this argument is not commensurate with the scope of the invention as set forth in claim 11.

12. Applicant argues that the discontinuous adhesive layer 128 of Krish does not create adhesive “anchors” within the meaning of the present application because the discontinuous adhesive layer 128 does not serve the function of anchoring the continuous adhesive layer 114 to the substrate 102. Applicant argues that the anchoring adhesive as claimed serves to anchor the bonding adhesive to the material. Applicant argues that the Examiner has characterized the adhesive 128 of Krish as an anchoring adhesive but this is not an accurate characterization as the adhesive 128 does not meet the limitations or perform the function of the adhesive anchors as claimed.

The examiner first points out that the rejected claims do not state that the anchoring adhesive anchors the bonding adhesive to the material and therefore this argument is not commensurate with the scope of the claimed invention. However, it is noted that the adhesive 128 bonds to material 102 and to the overlying adhesive 114 and adhesive 128 has a higher

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degree of adhesion to material 102 than the adhesive 114 (column 8, lines 47-50); therefore, adhesive 128 of Krish reads on Applicant's claimed "anchoring adhesive" and one would readily appreciate that the adhesive 128 would anchor adhesive 114 to the material 102. Applicant appears to believe that the term "anchoring" imparts a more specific function to the adhesive beyond those limitations that are set forth in the present claims. The Examiner reminds Applicant that terms as employed in the claims must be read as broadly as possible with regard to the prior art of record. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

13. Applicant argues that Krish does not teach or suggest creating a plurality of substantially isolated adhesive anchors as claimed for the purpose of improving adhesion with a second (bonding) adhesive to then adhere the first and second materials together. Applicant also argues that Krish does not teach or suggest an adhesive being used to bond to a first material another adhesive that has a low adhesion to the first material but a higher adhesion to a second material.

In response, the examiner points out that these arguments are not commensurate with the scope of the claimed invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jessica L. Rossi** whose telephone number is **571-272-1223**. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard D. Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JESSICA ROSSI
PRIMARY EXAMINER

